

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

John Hammond,)	C.A. No. 4:06-3357
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Department of Corrections;)	
Lt. Bird; Sgt. Williams; Captain Price;)	
Officer Outlaw; Sgt. Of Transportation;)	
Officer Grey House; Officer Phillips;)	
FNU Lt. W/M;)	
)	
Defendants.)	
_____)	

Plaintiff John Hammond filed the instant *pro se* action on September 18, 2006 in the South Carolina Court of Common Pleas for Richland County. (Doc. # 2). The Defendants answered on November 29, 2006 and removed the action to this Court on the same day. (Docs. # 2,3). Presently pending before the Court are the Plaintiff's motion for summary judgment and the Defendants' motion for summary judgment. (Docs. # 8, 12).

This matter is before the Court upon the Report and Recommendation ("the Report") filed on August 13, 2007, by United States Magistrate Judge Thomas E. Rogers, III, to whom this matter was previously assigned. (Doc. #44). In the Report, the Magistrate Judge recommends the Plaintiff's motion be denied and the Defendants' motion for summary judgment be granted. Id. The Plaintiff filed objections to the Report on August 28, 2007. (Doc. #47).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court accepts the Report. For the reasons articulated by the Magistrate Judge it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** and the Plaintiff's motion for summary judgment is **DENIED** and the Defendants' motion for summary judgment is **GRANTED**. Accordingly, this action is dismissed and the Plaintiff's remaining state claims are remanded to the South Carolina Court of Common Pleas for Richland County where this action was first filed. In light of this order, all pending motions are hereby rendered moot.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

September 25, 2007
Florence, South Carolina